

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Sandra Herrera,

Plaintiff

v.

Florence McClure Women's Correctional
Center, et al.,

Defendants

Case No.: 2:23-cv-01397-JAD-BNW

**Order Moving Case to
Normal Litigation Track**

Plaintiff Sandra Herrera brings this civil-rights action under 42 U.S.C. § 1983, claiming that various federal constitutional rights and state tort laws were violated while she was incarcerated at Florence McClure Women's Correctional Center. Herrera, counseled, is no longer incarcerated and has paid the \$402 filing fee for a civil action.¹ In light of Herrera's non-incarceration and payment of the filing fee, the court is no longer required to screen this case.² This case will now proceed onto the normal litigation track.

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¹ According to the Nevada Department of Corrections inmate database, Herrera is currently paroled. *See also* ECF No. 1 at 8 (stating that Herrera is paroled).

² *See generally* 28 U.S.C. § 1915A (the plaintiff is no longer a “prisoner” within the meaning of the statute); *see Olivas v. Nevada ex rel. Dep’t of Corr.*, 856 F.3d 1281, 1282 (9th Cir. 2017) (holding that “28 U.S.C. § 1915A applies only to claims brought by individuals incarcerated at the time they file their complaints”); *see Lopez v. Smith*, 203 F.3d 1122, 1126, 1129 (9th Cir. 2000) (recognizing that screening under 28 U.S.C. § 1915(e) applies to actions filed *in forma pauperis* whether or not the plaintiff is incarcerated).

1 IT IS THEREFORE ORDERED that this case will proceed onto the normal litigation
2 track. The Clerk of the Court is directed to **ISSUE** summonses in the normal course of litigation.

3 Dated: September 20, 2023

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U.S. District Judge